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Finlay Carson MSP
Convener
Rural Affairs, Islands and Natural Environment
Committee
The Scottish Parliament
EDINBURGH
EH99 1SP

7 June 2022

Dear Finlay,

Thank you for your letter of 5 May 2022 with reference to The Official Controls (Transitional Staging Period) (Miscellaneous Amendments) (Scotland) Regulations 2022 (SSI 2022/90). I have annotated answers in response to the Committee's questions.

1. Why the Scottish Government considers it necessary to introduce this exemption which, unless the transitional staging period is extended for a fourth time, would only be in place for approximately six weeks between 12 May and 30 June 2022;

The intention of the exemption was to mirror for Scotland the provision in regulation 2 of the December 2021 UK SI, the Official Controls (Extension of Transitional Periods) (England and Wales) (Amendment) (No. 2) Regulations 2021, which ensures that lower risk SPS goods produced in Northern Ireland or the Republic of Ireland and moved or imported into Scotland from the Republic of Ireland are not subject to the pre-notification requirements which came into force from 1 January 2022 during the transitional staging period (TSP).

As the SSI's Policy Note acknowledges, the absence of such provision has not had any tangible effect on trade as there are at present no established direct trade routes from the Republic of Ireland to Scotland. Nevertheless, Scottish Ministers consider that it is important to have the same import controls in place as the rest of Great Britain, in particular to avoid any possible barriers to the movement of Northern Ireland goods or importers being required to follow different processes in Scotland than the rest of GB.

In terms of the Committee's question regarding the rationale for the implementation of a six week exemption, the intention was to ensure that import rules are uniform across GB in order to avoid any perception of barriers to trade flow into Scotland or that importers are required to follow different processes in Scotland than the rest of the four nations, even for a short period of time.

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As I noted in my letter to the RAINE committee dated 4 November 2021, at that time, the Scottish Government anticipated that the TSP would be extended until the 31 July 2021, but I also stated that "... further legislative changes may be required as decisions are taken on the technical detail of the implementation of the revised timeline." The UK Government's recent announcement to further delay the TSP until 31 December 2022 - as part of their planned announcement in Autumn 2022 of a "Targeted Operating Model" - means that the exemption from pre-notification requirements for certain goods arriving from the Republic of Ireland will continue until at least the end of this year.

2. An update regarding the transitional staging period beyond 30 June 2022.

The Statutory Instrument, the Official Controls (Extension of Transitional Periods) Amendment Regulations 2022 (OFC/10), which extends the TSP to 31 December 2022 is currently expected to come into force on 29 June 2022. A notification of the intention of the Scottish Ministers to consent to this SI was sent to the Scottish Parliament on 18 May 2022.

I hope that the above satisfies the interest of the Committee fully and if I can provide any further information, please let me know.

Yours sincerely,



MAIRI GOUGEON